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Paper No.

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LEGAL DEPARTMENT
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FEB 20 2008

OFFICE OF PETITIONS

In re Application of :
Chirica et al. : ON APPLICATION
Application No. 10/667,290 : FOR
Filed: September 18, 2003 : PATENT TERM ADJUSTMENT
Attorney Docket No. DX01074B1 :

This is in response to the APPLICATION FOR PATENT TERM ADJUSTMENT INCLUDING REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSMENT INDICATED IN NOTICE OF ALLOWANCE (37 C.F.R. §1.705) (b)) December 20, 2007. Applicants request correction of the patent term adjustment indicated in the Notice of Allowance mailed October 3, 2007 from five hundred forty-three (543) days to seven hundred thirteen (713) days.

On October 3, 2007, the Office mailed a Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date is 543 days. On December 20, 2007, applicants filed the instant paper.

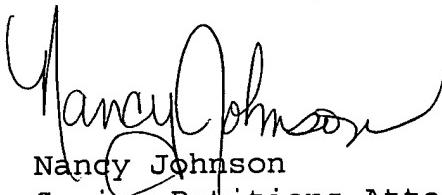
However, prior to a decision on the application for patent term adjustment being rendered, on January 31, 2008, applicant filed a petition to withdraw from issue along with a request for continued examination (RCE). By decision mailed February 4, 2008, the withdrawal from issue was granted. Prosecution was reopened.

In view thereof, a decision is being **held in abeyance** until after the mailing of any new Notice of Allowance and the filing (or resubmission) of any application for patent term adjustment under 37 CFR 1.705(b). A new determination of patent term

adjustment will accompany any new Notice of Allowance and will include any further adjustments or reductions accrued to date. Applicant must submit a timely application for patent term adjustment in response to any new Notice of Allowance. An application for patent term adjustment under 37 CFR 1.705(b) is properly filed after the mailing of the Notice of Allowance on which the application issues and prior to payment of the issue fee (or a request for reapplication of the issue fee) in response to that Notice. A copy of this decision should accompany the application for patent term adjustment, along with a request to apply the fee set forth in 37 CFR 1.18(e) paid on December 20, 2007.

Technology Center AU 1647 has been advised of this decision. The application is, thereby, forwarded to the Technology Center for consideration of the RCE by the examiner.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3219.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions